

401 KAR 52:060. Acid rain permits.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Parts 72-78, 42 U.S.C. 7651-7661(f)

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Parts 72-78, 42 U.S.C. 7651-7661(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation incorporates by reference the federal acid rain provisions as codified at 40 C.F.R. Parts 72 to 78.

Section 1. Applicability. This administrative regulation shall apply to affected sources and affected units under the Acid Rain Program, pursuant to 42 U.S.C. 7651 to 7651o. Applicability determination is set forth under 40 C.F.R. 72.6.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) 40 C.F.R. Part 72, "Permits Regulation", as published in the Code of Federal Regulations, 40 C.F.R. Parts 72 to 80, July 1, 1999;

(b) 40 C.F.R. Part 73, "Sulfur Dioxide Allowance System", as published in the Code of Federal Regulations, 40 C.F.R. Parts 72 to 80, July 1, 1999;

(c) 40 C.F.R. Part 74, "Sulfur Dioxide Opt-Ins", as published in the Code of Federal Regulations, 40 C.F.R. Parts 72 to 80, July 1, 1999;

(d) 40 C.F.R. Part 75, "Continuous Emission Monitoring", as published in the Code of Federal Regulations, 40 C.F.R. Parts 72 to 80, July 1, 1999;

(e) 40 C.F.R. Part 76, "Acid Rain Nitrogen Oxides Emission Reduction Program", as published in the Code of Federal Regulations, 40 C.F.R. Parts 72 to 80, July 1, 1999, and as amended at 64 Fed. Reg. 55834, October 15, 1999;

(f) 40 C.F.R. Part 77, "Excess Emissions", as published in the Code of Federal Regulations, 40 C.F.R. Parts 72 to 80, July 1, 1999;

(g) 40 C.F.R. Part 78, "Appeal Procedures for Acid Rain Program", as published in the Code of Federal Regulations, 40 C.F.R. Parts 72 to 80, July 1, 1999;

(h) "Acid Rain Program Forms", U.S. EPA, January 2000; and

(i) "OTC NO_x Budget Program Forms", U.S. EPA, August 1999.

(2) This material may be inspected, copied, or obtained at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

(a) The Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502) 564-3999;

(b) Ashland Regional Office, 1550 Wolohan Drive, Suite 1, Ashland, Kentucky 41102-8942, (606) 929-5285;

(c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky 42101, (270) 746-7475;

(d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042, (859) 525-4923;

(e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502) 564-3358;

(f) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

(g) London Regional Office, 875 S. Main Street, London, Kentucky 40741, (606) 330-2080;

(h) Owensboro Regional Office, 3032 Alvey Park Drive, W., Suite 700, Owensboro, Kentucky 42303, (270) 687-7304; and

(i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-8468.

(3) Copies of the Code of Federal Regulations (C.F.R.) are available for sale from the Superintendent of Documents, U.S. Government Printing Office, PO Box 371954, Pittsburgh, PA 15250-7954, or on the internet at: <http://air.ky.gov>. (27 Ky.R. 634; Am. 1298; 1793; eff. 1-15-2001; TAm eff. 8-9-2007; TAm eff. 5-20-10; TAm eff. 9-16-2013; TAm eff. 4-2-2014; TAm eff. 7-8-2016.)